

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**RANDALL KELTON and DAVID
WETHY,**

Plaintiffs,

V.

EVERHOME MORTGAGE COMPANY,

Defendant.

Civil Action No. 4:14-cv-149-O

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

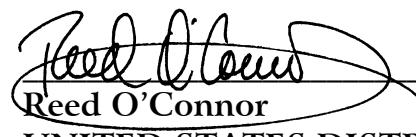
Federal Rule of Civil Procedure 16(f) permits a court, on motion or on its own, to issue “any just orders” if a party fails to obey a scheduling or other pretrial order. Fed. R. Civ. P. 16(f)(C). If a plaintiff refuses to obey a court’s orders without justification or excuse, dismissal is warranted. See *Crenshaw v. Slaughter*, No. 3:13-cv-3432-BF, 2014 WL 2931868, at *3 (N.D. Tex. June 26, 2014) (Stickney, Mag. J.) (citation omitted); see also *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (“A district court *sua sponte* may dismiss an action for failure . . . to comply with any court order.”) (citing Fed. R. Civ. P. 41(b); *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988)); *United States v. Holper*, No. 08-0142-JJB-DLD, 2011 WL 7096612, at *1 (M.D. La. Dec. 19, 2011)

(“Rules 16(f) and 41(b) . . . provide that a Court may, in its discretion, dismiss an action or claim for failure to comply with orders of the Court.”).

On April 10, 2014, the United States Magistrate Judge ordered the parties to submit a joint status report and proposed discovery plan, Order, ECF No. 3, but the parties wholly failed to comply with the order. On May 16, 2014, the Magistrate Judge issued an order requiring the parties to comply with the provisions set forth in the order and notified the parties that “[f]ailure to timely file the Joint Status Report or failure to cooperate in the preparation and filing of the Joint Status Report may result in the imposition of sanctions, including dismissal” *See* Order, ECF No. 4 (citing Fed. R. Civ. P. 16(f)). On May 30, 2014, Defendant Everhome Mortgage Company filed a proposed scheduling order, but noted that it had not received a response from Plaintiffs regarding the joint status report. *See* Def.’s Proposed Scheduling Order, ECF No. 5.

Based on the foregoing, this case is **DISMISSED without prejudice** pursuant to Federal Rule of Civil Procedure 16(f).

SO ORDERED on this **11th day of July, 2014**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE